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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,331	07/17/2003	Mitsuharu Magami	2003_0985A	8649
513	7590	01/25/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			GILLAN, RYAN P	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,331	Applicant(s) MAGAMI ET AL.	
	Examiner Ryan P. Gillan	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickson et al. (5,190,373) in view of Muratsubaki et al. (6,068,448). Dickson et al teach a high-pressure generating device comprising a housing (10) with an intake port (18) and an outlet port (20), a pressure chamber (12) formed in said housing and having a plurality of chamber sections (clearly seen in figure 1, on either side of 16) connected to said intake and outlet ports through fluid passages (18 and 20), a piston (30) disposed reciprocally in said pressure chamber, and an actuator (32) for moving reciprocally said piston to allow fluid to be introduced from said intake port into said pressure chamber and discharged from said pressure chamber through said outlet port. Said actuator includes an operating pressure source (col. 4 lines 57-68) for exerting operating fluid on said piston through a directional control valve (34) to move said piston reciprocally. Said actuator includes mechanical driving means and an electric motor (col. 5 lines 41-43). Dickson et al. fail to teach check valves connected to the intake and outlet ports.

3. Muratsubaki et al. teach check valves disposed at the inlet (42) and outlet (48) of a pressurized pump system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pump of Dickson et al. to incorporate check

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valves at the inlet and outlet in order to protect the pump against reverse flow from the load (col. 11 lines 5-11).

Allowable Subject Matter

4. Claim 4-16 are allowed.

5. The following is an examiner's statement of reasons for allowance: a high-pressure generating device comprising a cylindrical housing with a first protrusion extending inside said pressure chamber and having a first fluid passage connecting said intake port to said pressure chamber. A second protrusion extends inside said pressure chamber and having a third fluid passage connecting said outlet port to said pressure chamber, said second protrusion being provided at its innermost end with a partition member. A cylindrical piston is disposed reciprocally in said pressure chamber and having a first chamber section, a second chamber section, a third chamber section and a partition wall for partitioning. Said first and second chamber sections, said partition wall having a second fluid passage, said first chamber section being connected to said intake port through said second fluid passage, said third chamber section being connected to said outlet port through a fluid passage in said second protrusion. Said first and second chamber sections being connected to each other through a second fluid passage in said partition wall. A first check valve mounted in said first fluid passage for allowing fluid to flow from said intake port to said first chamber section. A second check valve mounted in said second fluid passage for allowing fluid to flow from said first chamber section to said second chamber section. A third check valve mounted in said third fluid passage for allowing fluid to flow from said second chamber

section to said third chamber section, and an actuator for moving reciprocally said piston to allow fluid to be introduced from said intake port into said pressure chamber and discharged from said pressure chamber through said outlet port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Vorih et al. (6,412,457) teach a valve actuator with a valve seating control.
- Lindahl (6,279,854) teaches a hydraulic damper incorporating a piston and pressure chamber.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan P. Gillan whose telephone number is 571-272-8381. The examiner can normally be reached on 8:00 am - 4:30 pm; Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RPG

A handwritten signature in black ink, appearing to be 'RPG' with a stylized flourish.A handwritten signature in black ink, appearing to be 'Charles G. Freay' with a stylized flourish.
CHARLES G. FREAY
PRIMARY EXAMINER